

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-1461

PENNSYLVANIA PROTECTION AND ADVOCACY, INC.,

Appellant

v.

PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE;
FEATHER HOUSTOUN, in her official capacity
as Secretary of Public welfare for the
Commonwealth of Pennsylvania; CHARLES CURIE,
in his official capacity as Deputy Secretary
for Mental Health and Substance Abuse Services;
S. REEVES POWER, Ph.D., in his official capacity
as Superintendent of South Mountain Restoration
Center; MARK S. SCHWEIKER, in his official
capacity as Governor of the Commonwealth of
Pennsylvania; GERALD RADKE, in his official
capacity as Deputy Secretary for Mental Health
and Substance Abuse Services
Abuse Services

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 00-cv-01582)
District Judge: Honorable William W. Caldwell

Argued October 26, 2004

Before: NYGAARD, AMBRO, and VAN ANTWERPEN, Circuit Judges

Received and filed

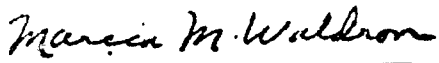
Martha M. Wardoff,
Clerk

JUDGMENT

This cause came on to be heard on the record before the United States District Court for the Middle District of New Jersey and was argued on October 26, 2004.

On consideration whereof, IT IS ORDERED AND ADJUDGED by this Court that the judgment of the District Court dated January 15, 2003, is hereby vacated and the case is remanded for further proceedings consistent with the opinion of this Court. Costs assessed against Appellees. All of the above in accordance with the opinion of this Court.

ATTEST:



Clerk

Dated: March 24, 2005

Costs taxed in favor of Appellants follows:

Brief	\$151.60
Appendix	\$552.20
Reply Brief ..	\$112.40
Docketing Fee	<u>\$100.00</u>

TOTAL COSTS ...\$916.20

**Certified as a true copy and issued in lieu
of a formal mandate on April 15, 2005**

Teste: 

**Clerk, U.S. Court of Appeals
For the Third Circuit.**